

FILED

**United States Court of Appeals
Tenth Circuit**

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

September 6, 2012

**Elisabeth A. Shumaker
Clerk of Court**

PAUL ARMIJO,

Plaintiff – Counter -
Defendant - Appellee,

v.

ARMANDO PERALES, MIRABEL
JIMENEZ; ARNOLD CHAVEZ,
ADRIAN FLORES, in their individual
capacities,

Defendants - Appellants,

D & M SPORTING GOODS,

Defendant – Counter –
Claimant,

and

VILLAGE OF COLUMBUS, NEW
MEXICO; EDDIE ESPINOZA, TRACY
BOLDUC, BLAS GUTIERREZ,
ROBERTO GUTIERREZ, BRIAN
HOULTIN, ALLEN ROSENBERG, in
their individual capacities; SIXTH
JUDICIAL DISTRICT ATTORNEY'S
OFFICE; ERNIE SERA; BORDER
OPERATIONS TASK FORCE,

Defendants.

No. 11-2098
(D.C. No. 1:08-CV-00935-MV-WPL)

ORDER

Before **TYMKOVICH, MCKAY**, and **HOLMES**, Circuit Judges.

This matter is before the court on appellants' *Motion for Entry of Order Permitting Withdrawal of Motion for Rehearing*. Upon consideration, the motion is granted. We now consider the petition for rehearing withdrawn. The deadline set for filing a response to that petition, which was September 4, is vacated.

In addition, we exercise our discretion to withdraw our panel Opinion and to vacate the judgment, both of which issued originally on August 1, 2012. *See Okla. Radio Assc. v. FDIC*, 3 F.3d 1436, 1439 (10th Cir. 1993). This appeal is dismissed. *See Fed. R. App. P. 42(b)*. A copy of this order shall stand as the mandate of the court.

Entered for the Court

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", followed by a horizontal flourish line.

ELISABETH A. SHUMAKER, Clerk